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WILLIAM P. BADUA,
JEFFREY OMAI and
SPENCER ANDERSON

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 28 2006

at 3 o'clock and 0 min PM
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,

) CIVIL NO. CV03-476 KSC

Plaintiff,

) DEFENDANTS

vs.

) WILLIAM P. BADUA,

WILLIAM P. BADUA;

) JEFFREY OMAI AND

JEFFREY OMAI;

) SPENCER ANDERSON'S

SPENCER ANDERSON;

) PROPOSED SPECIAL VERDICT

NEIL PANG;

) FORM; CERTIFICATE OF SERVICE

and DOES 5-10,

)

Defendants.

)

) TRIAL DATE: WEEK OF

MARCH 14, 2006

DEFENDANTS WILLIAM P. BADUA, JEFFREY OMAI AND
SPENCER ANDERSON'S PROPOSED SPECIAL VERDICT FORM

Comes now Defendants WILLIAM P. BADUA, JEFFREY OMAI AND SPENCER ANDERSON (hereinafter "Defendants"), by and through their attorneys, Carrie K.S. Okinaga, Corporation Counsel and Kendra K. Kawai and Marie Manuele Gavigan, Deputies Corporation Counsel, and hereby submit their Proposed Special Verdict form hereto attached.

Defendants reserve the right to supplement and/or amend their Proposed Special Verdict Form as warranted by the outcome of motions pending before this Court, the evidence presented at trial, and other developments in this matter.

DATED: Honolulu, Hawai'i, February 28, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By:



KENDRA K. KAWAI
MARIE MANUELE GAVIGAN
Deputies Corporation Counsel

Attorneys for Defendants
WILLIAM P. BADUA,
JEFFREY OMAI and
SPENCER ANDERSON

**DEFENDANTS WILLIAM P. BADUA, JEFFREY OMAI AND
SPENCER ANDERSON'S PROPOSED SPECIAL VERDICT FORM**

The jury must answer all of the questions, unless otherwise indicated. To understand what issues are being submitted to you, you may wish to read over the entire Special Verdict Form before proceeding to answer. Answer the questions in numerical order. Follow all directions carefully. If you do not understand any questions or if you wish to communicate with the Court, on any other subject, you must do so in writing through the bailiff. After you have answered the required questions, the foreperson shall sign and date the Special Verdict Form and notify the Court.

[Unlawful Search and/or Seizure]

QUESTION ONE:

Has Plaintiff Ofelia Coloyan ("Plaintiff") established by a preponderance of the evidence that Officers William P. Badua, Jeffrey Omai and/or Spencer Anderson intentionally committed acts that violated Plaintiff's constitutional right not to be subject to unlawful searches and/or seizures?

William P. Badua Yes _____ No _____

Jeffrey Omai Yes _____ No _____

Spencer Anderson Yes _____ No _____

(If you answered "yes" to any of the Defendants, go to question 2 and provide an answer with respect to that Defendant only. If you answered "no", date

and sign this Special Verdict Form at the bottom and return the same to the Bailiff.)

QUESTION TWO:

Has Plaintiff established by a preponderance of the evidence that she suffered damages or injuries which were proximately caused by the alleged unlawful search and/or seizure by Officers William P. Badua, Jeffrey Omai and/or Spencer Anderson?

William P. Badua Yes _____ No _____

Jeffrey Omai Yes _____ No _____

Spencer Anderson Yes _____ No _____

(If you answered “yes” to any of the Defendants, go to question 3. If you answered “no” to question 2, date and sign this Special Verdict Form at the bottom and return the same to the Bailiff.)

QUESTION THREE:

For this claim, what do you find to be the total amount of damages caused by Officers William P. Badua, Jeffrey Omai and/or Spencer Anderson?

Special Damages: \$ _____

General Damages: \$ _____

(Proceed to next question.)

[Punitive Damages – William P. Badua]

QUESTION FOUR:

Did you find that Plaintiff proved by clear and convincing evidence that she is entitled to punitive damages against Officer William P. Badua?

Yes _____ No _____

(If your answer to Question 4 is “yes,” go on to Question 5. If your answer to Question 4 is “no,” go to Question 6.)

QUESTION FIVE:

State the amount of punitive damages, if any, that you award to Plaintiff against Officer William P. Badua:

Punitive Damages: \$ _____

(Proceed to next question.)

[Punitive Damages – Jeffrey Omai]

QUESTION SIX:

Did you find that Plaintiff proved by clear and convincing evidence that she is entitled to punitive damages against Officer Jeffrey Omai?

Yes _____ No _____

(If your answer to Question 6 is “yes,” go on to Question 7. If your answer to Question 6 is “no,” go to Question 8.)

QUESTION SEVEN:

State the amount of punitive damages, if any, that you award to Plaintiff against Officer Jeffrey Omai:

Punitive Damages: \$ _____

(Proceed to next question.)

[Punitive Damages – Spencer Anderson]

QUESTION EIGHT:

Did you find that Plaintiff proved by clear and convincing evidence that she is entitled to punitive damages against Officer Spencer Anderson?

Yes _____ No _____

(If your answer to Question 8 is “yes,” go on to Question 9. If you answered “no” to question 8, date and sign this Special Verdict Form at the bottom and return the same to the Bailiff)

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QUESTION NINE:

State the amount of punitive damages, if any, that you award to Plaintiff against Officer Spencer Anderson:

Punitive Damages: \$ _____

(Date and sign the form where indicated below and return the same to the Bailiff.)

DATED: Honolulu, Hawaii, _____.

FOREPERSON

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

OFELIA COLOYAN,) CIVIL NO. 03-476 KSC
)
Plaintiff,) CERTIFICATE OF SERVICE
)
vs.)
)
WILLIAM P. BADUA;)
JEFFR'EY OMAI;)
SPENCER ANDERSON;)
NEIL PANG;)
and DOES 5-10,)
)
Defendants.)
)
)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the within was duly served by hand delivery to the following individuals at their addresses shown below on February 28, 2006:

JACK SCHWEIGERT, ESQ.
550 Halekauwila Street, Room 309
Honolulu, Hawai'i 96813
and

ARTHUR E. ROSS, ESQ.
126 Queen Street, Suite 210
Honolulu, Hawaii 96813
and

RORY SOARES TOOMEY
1088 Bishop Street, Suite 1004
Honolulu, Hawaii 96813

Attorneys for Plaintiff
OFELIA COLOYAN

DATED: Honolulu, Hawai'i, February 28, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By:



KENDRA K. KAWAI
MARIE MANUELE GAVIGAN
Deputies Corporation Counsel

Attorney for Defendants
WILLIAM P. BADUA
JEFFREY OMAI and
SPENCER ANDERSON